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11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA  
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14 BENJAMIN RUSSELL, ) 3:08-cv-00566-HDM-RAM  
15 Plaintiff, )  
16 vs. ) ORDER  
17 )  
18 JOHN E. POTTER, Postmaster )  
General of the United States )  
18 Postal Service, the UNITED STATES )  
POSTAL SERVICE, DUH FEN BLOOM, )  
19 LILY GELLES, and MICHAEL MCCLURE, )  
20 Defendants. )  
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22 Fed. R. Civ. P. 4(m) permits the court to dismiss an action,  
23 on its own initiative after notice to the plaintiff, for failure to  
24 serve a summons on a defendant within 120 days after filing the  
25 complaint.

26 Plaintiff filed his complaint on November 18, 2008, but failed  
27 to properly serve all defendants. On March 26, 2009, the court  
28 gave plaintiff notice of its intent to dismiss the action for

1 plaintiff's failure to timely and properly serve defendants. (#14)

2 On April 1, 2009, defendant John E. Potter filed a motion to

3 dismiss based on several grounds, including insufficiency of

4 service. (#15) On April 2, 2009, plaintiff requested additional

5 time to serve defendants John E. Potter and Duh Fen Bloom. (#17)

6 The record reflects that none of the defendants in this action  
7 have been lawfully served in accordance with Fed. R. Civ. P. 4.

8 Plaintiff has been given notice and ample opportunity to effectuate  
9 proper service on all defendants. Plaintiff has not shown good

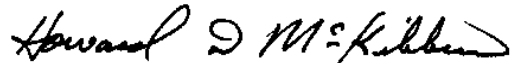
10 cause to excuse the lack of service. Accordingly, defendant John

11 E. Potter's motion to dismiss is GRANTED and the case is dismissed

12 as to all defendants.

13 IT IS SO ORDERED.

14 DATED: This 3<sup>rd</sup> day of June, 2009.

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16 UNITED STATES DISTRICT JUDGE  
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